

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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U.S. DISTRICT COURT, FLORENCE, SC
2007 JUN -1 P 1:58

Thomas Tillery,)	
)	
Plaintiff,)	
)	Civil Action No.: 4:06-1487
vs.)	
)	
The Pantry, Inc.,)	
)	
Defendant.)	
_____)	

ORDER

On March 14, 2006, Plaintiff Thomas Tillery (“Tillery”) filed the instant action in the South Carolina Court of Common Pleas for Horry County alleging a cause of action for negligence. (Doc. #1). Subsequently, on May 16, 2006, Defendant The Pantry, Inc. (“The Pantry”) removed the action to this Court pursuant to 28 U.S.C. §1332. Id. The Pantry then filed for summary judgment on January 15, 2007. (Doc. #10). As Tillery is proceeding *pro se*, an order was issued pursuant to Roseboro v. Garrison, 528 F.3d 309 (4th Cir. 1975), advising Tillery that a failure to respond to The Pantry’s motion for summary judgment may result in dismissal of the complaint. (Doc. #11). Specifically, Tillery was granted thirty-four days to respond to the pending motion for summary judgment. Id. Tillery filed no response. On April 3, 2007, an order was issued advising Tillery that he had five days to respond to the pending motion for summary judgment or it would be recommended his case be dismissed for failure to prosecute. (Doc. #15). To date, Tillery has filed no response to The Pantry’s pending motion for summary judgment.

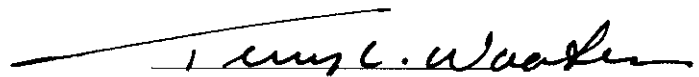
This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had

previously been assigned. (Doc. #17). In the Report, Magistrate Judge Rogers recommends that “plaintiff’s complaint be dismissed for failure to prosecute . . . [and that] in the alternative, it is recommended that defendant’s motion for summary judgment be granted and this case be dismissed.” Tillery filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge’s Report and Recommendation is **ACCEPTED** (Doc. #17) and The Pantry’s motion for summary judgment is **GRANTED** (Doc. #10). Accordingly, this case is dismissed and all pending motions are hereby rendered moot.

IT IS SO ORDERED.



Terry L. Wooten
United States District Judge

May 25 2007
Florence, South Carolina